

Concerning the Amendments to the Claims

Dependent claim 2 and dependent claim 4 are amended by adding the limitation "said arcuate support having a face." This amendment finds support in the application as filed including at page 1, paragraph 4, and page 4, paragraph 24. Claim 2 is amended to add clarity to the invention. No new matter is added by the proposed amendment.

Remarks

Claims 2 – 4 stand rejected pursuant to 35 USC § 112, second paragraph. The tendered amendment to claim 2 is believed to address the merits of the rejections to claims 2-4 depending therefrom.

Claims 1, 5, 6, 11 – 14 and 16 stand rejected pursuant to 35 U.S.C. § 103(a) as being unpatentable over US Patent 5,609,325 (DeArmand) in view of US Patent 4,368,874 (Weisgerber). The '325 reference is relied upon for the claim elements of a blade, a body and an arcuate support. The secondary reference '874 is relied upon to supply a web substantially spanning said arcuate support. The Office Action urges that brace 48 of '874 "substantially span[s] an arcuate support 12 and a body 22." Applicant does not find support in the '874 reference for the assertion that brace 48 'substantially spans'. Rather, the '874 reference teaches away from "substantially spanning" the support.

The '874 reference divides the unitary base plate 12 into a planar sole portion 14 and a planar heel portion 16. Col 2, lines 35-40. "A flat metal brace 48 is secured . . . between heel portion 16 of the base plate and the handle 22" Col. 3, lines 24 – 26. If the '874 reference desired to "substantially span the arcuate support," the flat metal brace 48 would have been secured to the planar sole portion 14 in addition to the planar heel portion 16 and the handle 22.

A combination of references must arrive at the claimed invention. 35 U.S.C. § 103(a).

[T]he examiner has presented no line of reasoning, and we know of none, as to why the artisan viewing only the collective teachings of the references would have found it obvious to selectively pick and choose various elements and/or concepts from the several references relied on **to arrive at the claimed invention.**

Ex parte Clapp, 227 USPQ 972, 973, (BPAI, 1985).

The combination of references of record relied upon in the office action, do not arrive at the claimed invention because, notwithstanding the assertion in the Office Action regarding the disclosure of the '874 reference, no relied upon reference of record discloses the web "substantially spanning" the arcuate support.

In contrast to claims 1, 5, 6, 11 – 14 and 16 which require "a web substantially spanning said arcuate support," the combination of '325, and '874 fails to provide a web "substantially spanning." For these reasons the combined references do not render claims 1, 5, 7, 11-14 and 16 obvious. Applicant requests the rejection over 35 USC §103(a) be withdrawn.

Claims 6 & 15 stand rejected pursuant to 35 U.S.C. § 103(a) over '325 (DeArmand) in view of '874 (Weisgerber) and US Patent 4,472,986 (Gottlieb). If Claims 1 & 11 are non-obvious then as dependant claims 6 and 15 are non-obvious.

("[S]ince we have concluded that the process of claim 1 would not have been obvious over the [reference], the processes of [dependent claims] 2-9, containing additional limitations, similarly would not have been obvious.").

In re Baker Hughes, Inc., 215 F.3d 1297, 1303 (Fed. Cir. 2000).

Claims 10 and 19 stand rejected pursuant to 35 U.S.C. § 103(a) over '325 (DeArmand) in view of '874 (Weisgerber) and US Patent 6,848,341 (Pace et. al). The '341 reference is applied

by the Examiner to claims 10 and 19 to provide the element of a composite material. The '341 reference was published after the filing date of this patent application therefore making '341 unavailable as prior art. 35 U.S.C.A. § 102(a), 102(b). Applicant requests the rejection over 35 USC §103(a) be withdrawn.

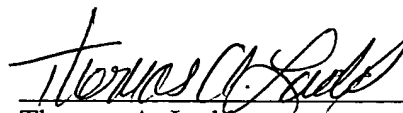
Relief Requested

Applicants request that the amendment to claims requested by this Response be made of record in the application.

Applicants further request that the pending rejection of claims be withdrawn over the art of record for the reasons stated.

In the event that Applicants have overlooked the need for an extension of time or a payment of fee, Applicants hereby conditionally petition therefore and authorize that any charges be made to Deposit Account No. 02-0390, BAKER & DANIELS.

Respectfully submitted,



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